

## REMARKS

### **I. Introduction**

The Office Action dated August 8, 2005, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claim 11 has been canceled. Claims 1-10 and 12-14 are pending in the application.

### **II. Rejection of Claims 1-10 and 12-14 under 35 USC 103(a)**

Claims 1-10 and 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Real* (Real Jukebox Plus Manual) in view of Seo et al. (U.S. Patent Application Publication 2004/0010415). Applicant respectfully traverses this rejection in light of the following arguments.

Claim 1, as amended, recites a method of organizing digital audio tracks on a predetermined media for navigation and selection by a user of an audio player. Selecting of tracks can be done in a flat file mode or a directory mode. In the flat file mode, the audio player displays flat-file selection numbers and the user searches for a desired digital audio track by sequentially navigating through the flat-file selection numbers. In directory mode, the audio player displays the directory numbers and the in-directory selection numbers. The user selects a desired directory and then searches for a desired digital audio track by sequentially navigating through in-directory selection numbers.

*Real* relates to a PC-based software system for manipulating, organizing, and reproducing music tracks. A full size, graphical display allows such information as track name, artist name, and genre to be displayed regardless of the type of operation being performed. Consequently, *Real* does not assign flat-file selection numbers, directory numbers, or in-directory selection numbers to any tracks and it does not utilize sequential navigation through such numbers. Taking these steps in *Real* would serve no useful purpose in the PC environment, which is the only environment in which *Real* can be used.

Seo is cited as allegedly showing flat-file selection numbers, directory

numbers, and in-directory selection numbers, but the teachings in Seo fail to suggest the method steps recited in claim 1 considering them with all their limitations. Seo relates to generating a database of information relating to a plurality of tracks in order to support keyword searching to find a desired track. Keywords for searching can be title, composer, or genre (see, for example, paragraph [0052]). Since searching is accomplished by entering keywords, it is clear that Seo neither teaches nor suggests sequentially navigating through flat-file selection numbers or in-directory selection numbers as they are displayed to the user on a display.

In addition to the failure of the combined references to create the claimed invention, there would be no motivation to combine the references. The rejection states that “one would have been motivated to do so to improve the speed of searching and playing.” Assuming for the sake of argument that one skilled in the art would have made the database (used by Seo only in connection with internal computer searching processes) visible to a user who is looking for a particular track, making such numbering apparent to the user would not speed up their search to find the track because they can better identify the track based on the keywords rather than arbitrarily assigned numbers.

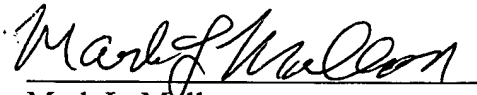
In view of the failure of the cited references to produce the claimed method and the lack of motivation to combine them, claim 1 and its dependent claims 2-8 are allowable over the cited references.

Regarding claim 9, an alphanumeric display and a controller for causing the display to show a flat-file selection number when in a flat file mode and for causing the display to show a directory number and an in-directory selection number when in a directory mode are recited. Therefore, claim 9 and dependent claims 10 and 12-14 are allowable for the same reasons as discussed above regarding claim 1.

## **VI. Conclusion**

In view of the foregoing amendment and remarks, claims 1-10 and 12-14 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark L. Mollon", written over a horizontal line.

Mark L. Mollon  
Attorney for Applicant(s)  
Reg. No. 31,123

Dated: August 18, 2005  
MacMillan, Sobanski & Todd, LLC  
One Maritime Plaza, Fourth Floor  
720 Water Street  
Toledo, Ohio 43604  
(734) 542-0900  
(734) 542-9569 (fax)